

### REMARKS

Applicants have amended the claims to more precisely define the present invention and distinguish over the prior art.

Claim 1 is directed to a method for capturing and distributing memories of a deceased individual. The method includes providing an electronic storage memory database that can be accessed over a network for displaying at least two web sites for said deceased individual wherein said web sites each having a unique address for accessing information with respect to the deceased individual that provides restrictive access and providing an information card that includes information that can be used for allowing direct access to only one of said unique addresses of the user of the card.

Applicants have amended the claims set forth that there is provided at least two web sites. This is distinct from simply displaying a web page at a site. The fact that these are separate and independent web sites means that they are not directly accessible to one and the other. Support for this amendment may be found on page 5, lines 31-32 where it is clearly set forth that the web page/site will each have its own URL that can be accessed in the internet. Thus, it is clear that the two web sites are separate and distinct and not simply one where you access one and simply scroll through to the next page. This is an important distinction over the Mindrum reference which discloses only a single web site which may or may not have more than one page. However, there is no teaching or suggestion in Mindrum of providing two distinct separate web sites that are independently accessible and are not related to each other as taught and claimed by Applicants.

Claim 1 as amended further provides providing a card which provides information to allow access to one of the unique addresses for one of the web sites. Here again this is clearly not taught or suggested by the Mindrum reference.

The Examiner acknowledges that Mindrum does not disclose web pages each having a unique address for accessing information with regard to the deceased individual. However, the Examiner goes on to state that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Mindrum with said web pages each having a unique

address for accessing information with respect to the deceased individuals and providing restricted access. Applicants respectfully submit that Mindrum does not teach or suggest this nor is there any reason to make the modification as taught and claimed by Applicants. The Mindrum reference is directed to a single site where the user can page through various pages. A password or other identification may be used for controlling access to various pages. However, this is totally apart and distinct from providing two separate and distinct URL addresses for two separate web sites. These two separate web sites are not linked to each other and therefore one cannot get from one to the other.

The CAFC in *In re Lee* 277 Fed 3<sup>rd</sup> 1138, (61 USPQ 2<sup>nd</sup> 1430 2002) "Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references". The Examiner can satisfy the burden of showing obviousness of a combination only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead the individual to combine relevant teachings of the references. In the present case there is nothing in Mindrum to teach or suggest the providing of:

- 1) two separate URLs for providing information of a deceased individual; and

- 2) providing an information card that provides the address to one of said two addresses for obtaining access thereto.

The Examiner cites Doyle et al. for teaching of providing a card that includes scannable data that can be used for allowing automatic direct access to one of said unique addresses for user card. However, Applicants respectfully submit that the Doyle reference does not teach or suggest this. The Doyle et al. reference is directed to disclosing the use of smart cards. Smart cards are typically used in computer security for authentication of users to various computer systems. See column 1, lines 39-40. Thus, the smart card does not provide information about the site, but is providing information about the user of the card so that the user can gain access to a particular site. In the present invention, the card is providing information about the site and not about the individual, thus the Doyle et al. reference does not teach or suggest the providing of the information as taught and claimed by Applicants and in fact teaches away

from providing the information as the smart cards are used for totally different purpose.

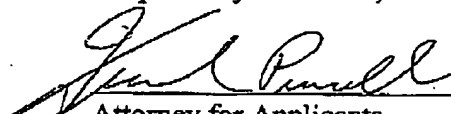
The Examiner, in the Official Action, specifically rejected claims 1, 2, 4, 5, 9-11, 14, 15 and 36-37 under 35 USC § 103(a) as being unpatentable over Mindrum for the reasons set forth. The Mindrum reference does not teach or suggest the invention as set forth by independent claim. Accordingly, Applicants respectfully submit independent claim 1 is patentably distinct for the reasons set forth above. As previously discussed the different addresses are used to control what sites are being accessed and not for controlling access to particular pages at a site. Accordingly, it is respectfully submitted that claim 1 and its dependent claims are patentably distinct over the cited references.

The second independent claim, claim 12, again is directed to a method for capturing and distributing memories of a deceased individual. This claim includes providing an access card where a unique address of web site is provided that allows direct access to the web site. As previously discussed, the Mindrum reference does not teach or suggest this nor does Doyle teach or suggest the providing of information for allowing direct access to a web page. There is no requirement of password or knowing the identity of the user, all that is necessary is the providing of the web page for allowing access. In the present invention, access to a web site is controlled by knowledge of the address to the site.

Claim 28 is directed to a system for capturing and distributing memories of a deceased individual and is similar to claim 12 except it is directed to the system for practicing the method of claim 12 and thus is patentably distinct for the same reasons previously discussed.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

  
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